LANDER COUNTY SCHOOL DISTRICT

007.48P INTRADISTRICT OPEN ENROLLMENT AND SCHOOL ATTENDANCE ZONES

1. Purpose and Authority

Nevada law authorizes a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend if the school is not at capacity in the pupil's grade level and the pupil is approved to attend the school. The Board of Trustees adopts this Policy to implement that requirement in a manner that is transparent, consistent, and accessible to families.

This Policy is adopted pursuant to NRS 388.040 and NRS 386.790, as amended by Assembly Bill 533 (2025) and Senate Bill 460 (2025), NRS 388.041, and the regulation of the State Board of Education adopted as LCB File No. R076-25 and codified in Chapters 387 and 388 of NAC. This Policy is further subject to any guidance issued by the Nevada Department of Education ("NDE"), including NDE Guidance Memo 26-12 (August 6, 2026). The substantive provisions of Assembly Bill 533 (2025) took effect July 1, 2026.

The Board retains its authority under NRS 388.040(1) to zone the District and determine which pupils must attend each school. This Policy governs attendance outside an assigned zone under NRS 388.040(2)(e) and does not limit any other basis on which a pupil may attend a school outside an assigned zone, including a charter school, a university school for profoundly gifted pupils, a foster-care school of origin under NRS 388E.105, a fictitious address issued under NRS 217.462 to 217.471, or English learner enrollment under NRS 388.408(5).

2. Definitions

"Open enrollment" means a pupil's attendance at a District public school outside the zone of attendance the pupil is otherwise required to attend, as authorized by NRS 388.040(2)(f).

"Capacity" means the grade-level capacity of a District public school calculated and published under the uniform methodology adopted in Section 4 of this Policy.

"Instructional space" has the meaning given in NRS 388.040(9) and does not include a gymnasium, a theater, an administrative office, a cafeteria, or a storage space.

"Instructional teaching station" means a distinct physical location designated for a pupil or a group of pupils to engage in learning tasks facilitated by a teacher or other school employee whose duties include rendering direct educational service to pupils. Each such physical location constitutes an instructional teaching station, regardless of whether there is sufficient staff to operate it. (LCB File No. R076-25, § 7(5).)

"Specialized school" means a magnet school, a career and technical academy, or a dual enrollment high school.

"Expelled" and "suspended" have the meanings ascribed in NRS 392.4603 and NRS 392.4607, respectively.

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"Statutory priority pupil" means a pupil who resides in the zone of attendance of a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance under the statewide system of accountability for public schools.

3. General Access Rules

- Every District public school shall be open to open-enrollment attendance, subject to grade-level capacity, except a specialized school that is exempt under NRS 388.040(4)(a)(2). The District shall annually identify any school it treats as exempt and state the legal basis for the exemption.
- A pupil who attends a District school through open enrollment shall not be assessed tuition or any fee because of the transfer.
- The District shall not require a pupil to submit an application to attend a public school unless the pupil is requesting to attend a school outside the pupil's assigned zone of attendance.
- A school that has capacity at the pupil's grade level shall enroll an approved applicant. The capacity of a specialized program within the school shall not be taken into consideration in making that determination.
- Once an application is approved and the pupil enrolls, the pupil transfers permanently to that school and may remain enrolled through the highest grade the school offers without submitting an additional application in any subsequent school year. The pupil remains subject to the same conduct, attendance, promotion, and graduation rules that apply to all pupils enrolled at the school.
- The District shall not deem a pupil ineligible for open enrollment on an arbitrary basis, including on the basis of the pupil's home address.

Because the District operates schools in Battle Mountain and Austin and offers certain grade levels at only one school, the practical availability of an out-of-zone placement will vary by grade and by year. This circumstance does not reduce the District's obligation to adopt a uniform capacity methodology, publish capacity and vacancy data, accept and decide applications, and report annually as required by NRS 388.040.

4. Capacity: Uniform Methodology, Publication, and Stability

4.1 Uniform methodology

The Board adopts a single uniform methodology for calculating the capacity of each District public school. The statutory baseline selected by the Board under NRS 388.040(4)(f) is an occupancy level of not more than one person per 40 square feet of instructional space. The methodology shall be publicly documented, applied consistently across all District public schools, and published on the District website.

The Superintendent or designee shall translate the baseline into grade-level capacity for each school using a written, school-by-school method that can be explained to families, staff, and reviewers. Where the District uses an instructional teaching-station method to distribute the

baseline across grade levels, the number of pupils assigned to each teaching station shall not exceed the room capacity established by building design and applicable fire code.

The 40-square-foot baseline establishes the building-level occupancy ceiling required by NRS 388.040(4)(f). The determination of capacity for each grade level within a school under NRS 388.040(4)(c) shall be made as required by Section 7(3) of LCB File No. R076-25 and Section 4.2 of this Policy. Published grade-level capacity shall not exceed the building-level ceiling.

4.2 Grade-level capacity determined by instructional teaching stations

As required by Section 7(3)(a) of LCB File No. R076-25, the District shall base the determination of capacity for each grade level within each public school on the total number of instructional teaching stations available for that grade level and the number of seats available at each such instructional teaching station.

In making that determination the District may also give consideration to the subject matter of the course for which an instructional teaching station is established, the grade level for which it is established, the instructional model used at the instructional teaching station, and exigent circumstances. Any such consideration shall be documented in the capacity worksheet for the school.

The number of pupils assigned to an instructional teaching station shall not exceed the room capacity established by building design and applicable fire code.

4.3 Publication

Timing	Required action	Authority
Not later than 90 days before applications open	Publish grade-level capacity for every District public school on the District website.	NRS 388.040(4)(c)
On or before the first day of each calendar quarter	Publish the number of vacancies for each grade level in each District public school on the District website.	NRS 388.040(4)(b)
Annually, and whenever revised	Publish the uniform capacity methodology on the District website.	NRS 388.040(4)(f)
Not later than 15 days before the earliest affected decision date	If capacity is reduced during the application period, publish a written explanation of the change in circumstances.	NRS 388.040(4)(c)

In addition to the postings in the table above, the District shall submit to NDE for approval any written explanation for a grade-level capacity that is lower than the total number of instructional teaching stations and seats available would otherwise produce, and shall publish that explanation only after NDE approves it. (LCB File No. R076-25, § 7(4).)

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4.4 Stability during the application period

A published grade-level capacity shall not be reduced during the period in which the District accepts applications unless a significant change in circumstances that was unforeseeable at the time capacity was published makes the reduction necessary, including a change in capacity caused by an issue with school facilities. If capacity is reduced, the Board shall ensure that the written explanation required by NRS 388.040(4)(c) is published on the District website not later than 15 days before the earliest date on which decisions on pending applications are to be made.

4.5 Limits on use of capacity determinations

A capacity determination shall not be used to avoid a statutory enrollment obligation, to discriminate against any protected group, or to deny an application that is otherwise approvable under this Policy.

5. Application Process

- The Superintendent or designee shall annually publish the date on which the District will begin accepting applications and the deadline by which applications must be submitted, together with the decision timeline, the appeal route, transportation information, and District contact information.
- Applications and instructions shall be posted on the District website and made available at school sites and District offices. The application shall be made available in the five most common languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, and the District shall provide language assistance as required by law.
- The application shall request only the information necessary to identify the pupil, verify the pupil's assigned zone, identify the current and requested school and grade level, apply a lawful priority, and administer the limited disciplinary eligibility standard in Section 6.
- The District shall provide written or electronic confirmation of receipt of each timely application. Submission of an application does not guarantee approval.
- A copy of the application in each language in which it is published shall be retained and submitted to NDE with the District's open enrollment system application under Section 13 of this Policy.

6. Prohibited Selection Criteria

In determining whether to approve an application, the District shall not consider:

- The academic, artistic, or athletic ability of the pupil;
- The pupil's participation in any extracurricular activity or the pupil's skill in such an activity;
- Whether the pupil is a pupil with a disability;
- Whether the pupil is an English learner;
- The address at which the pupil resides, except to the limited extent necessary to verify the pupil's assigned zone of attendance or to apply the statutory priority in Section 7; or

- Whether the pupil has previously been subject to disciplinary action, except as provided below.

The District may deny an application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled. No other disciplinary history may be considered. A denial on this basis must identify the qualifying disciplinary action and state the pupil's appeal rights.

District applications, interviews, and review procedures shall be designed so that prohibited factors are not requested, recorded, or permitted to influence a decision.

7. Priorities, Selection, and Waitlist

If the number of qualified applications for a grade level at a school does not exceed the published capacity for that grade level, the District shall approve all qualified applications.

If qualified applications exceed the published capacity for a grade level, the District shall assign seats in the following order:

- First, to statutory priority pupils, as required by NRS 388.040(4)(a)(7)(I). If statutory priority pupils exceed the available seats, the District shall conduct a random lottery among those pupils.
- Second, to any additional priority category that is lawful, adopted by the Board in writing, and applied consistently. No District priority may displace the statutory priority.
- Third, to remaining applicants by random, auditable lottery.

The District shall continue the draw to establish a waitlist in the order drawn, shall move the waitlist strictly in that order, and shall retain records of the selection process sufficient to permit reconstruction and audit.

8. Notice of Decision and Enrollment

- The District shall provide written notice of approval, waitlist placement, or denial within the timeline published for the application cycle.
- If an application is approved, the District shall notify the pupil, the pupil's parent or legal guardian, and the principals of both the sending and receiving schools, as required by NRS 388.040(4)(a)(6).
- A denial notice shall state the specific reason for the denial, the applicable capacity figure if lack of capacity is the basis, the qualifying disciplinary action if that is the basis, and the procedure and deadline for appeal.
- Every approval, waitlist, and denial notice shall state the District's transportation position and whether any transportation assistance process is available.

9. Enrollment Continuity and Rescission

An approved pupil shall not be required to reapply in any subsequent school year in order to remain at the receiving school. A new application or reassignment may be required only when:

- The pupil completes the highest grade offered at the receiving school;
- The pupil ceases to reside in the District;
- The pupil withdraws or otherwise ceases enrollment at the receiving school; or
- The approval was obtained through materially false or misleading information.

An approved transfer shall not be rescinded for administrative convenience or to manage staffing. Any rescission must rest on a lawful, nondiscriminatory, documented basis and must be accompanied by written notice and the appeal rights described in Section 11.

10. Transportation

Pursuant to NRS 386.790(4), the Board elects not to provide transportation to pupils who attend a District public school outside the zone of attendance the pupil is otherwise required to attend under NRS 388.040(2)(e). The parent or legal guardian is responsible for transportation to and from the receiving school.

This election does not affect and shall not be applied to limit transportation that is required by law, including transportation required as a related service by an individualized education program under the Individuals with Disabilities Education Act, transportation required by a Section 504 plan, transportation required under the McKinney-Vento Homeless Assistance Act, or transportation associated with a foster-care school-of-origin determination under NRS 388E.105.

Because the Board has made this election, a parent or legal guardian may be eligible to receive transportation assistance through the State transportation-assistance grant program established under NRS 388.041 and Sections 2 to 4, inclusive, of LCB File No. R076-25. The District shall provide families with information about that program and shall administer any transportation-assistance request separately from, and after, the placement decision. Transportation need shall not be considered in deciding an application.

The Board may accept gifts and grants to carry out this Policy, as authorized by NRS 388.040(7).

To receive transportation assistance funded through that program, a pupil must live in the zone of attendance of a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance under the statewide system of accountability for public schools, and the parent or legal guardian must attest that the pupil has no other viable form of transportation. A pupil has no other viable form of transportation if the pupil has no reliable means to arrive at school on time for the beginning of the school day or to depart from school at the conclusion of the school day. (LCB File No. R076-25, § 4(2)–(3).)

11. Appeals

If an application is denied, or if the District takes no action on an application by the published decision date, the parent or legal guardian may appeal to the Superintendent of Schools. The Superintendent shall promptly approve or deny the application and shall issue a written decision. Under NRS 388.040(6), the decision of the Superintendent is final.

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So that the statutory appeal is meaningful, initial decisions on applications shall be issued by a designee of the Superintendent rather than by the Superintendent personally.

12. Relationship to Class-Size Reduction and Other Operational Obligations

The District's obligations under Nevada's class-size reduction statutes, NRS 388.700 to 388.725, inclusive, remain in full force and are administered separately from this Policy. Class-size ratios are not a permitted basis for calculating capacity under NRS 388.040(4)(f) and shall not be used to reduce published capacity or to deny an application that is otherwise approvable.

Where approved enrollment creates or reasonably threatens noncompliance with an applicable class-size ratio, the District shall address the condition through lawful staffing, scheduling, and classroom-configuration measures or by seeking a variance from the State Board of Education and shall post variance information as required by law.

13. Department Approval, Reporting, Records, and Public Information

The Board shall submit to NDE, in the form prescribed by the Department, an application to implement the District's system of open enrollment, including a complete copy of the policies and procedures adopted under NRS 388.040(4)(a). NDE will review and evaluate the application against a published rubric and will approve or deny it within 30 days of receipt, providing the District with its rubric score. An approval remains in effect without renewal; the Board must reapply if it wishes to change these policies and procedures. (LCB File No. R076-25, § 6.)

For the 2026–27 school year, the submission is due to NDE before September 1, 2026 and must include the policies and procedures governing transportation requests, the application process, the capacity methodology, prioritization, and appeals; copies of all application materials, including each application unique to a given language; any other materials relevant to the system of open enrollment provided to pupils; and an attestation regarding the District's good-faith effort to accommodate pupils and its compliance with Assembly Bill 533 (2025) and LCB File No. R076-25. (NDE Guidance Memorandum 26-14.)

- The District shall maintain an open-enrollment page on its website containing this Policy, the accompanying Regulation, the uniform capacity methodology, current capacity and quarterly vacancy postings, the annual application and deadlines, transportation information, appeal instructions, and a District contact.
- The Superintendent or designee shall prepare and submit an annual report to the Superintendent of Public Instruction stating the number of applications received, the number approved, the number denied, and the reason for each denial, as required by NRS 388.040(4)(g).
- The District shall retain records sufficient to demonstrate compliance with this Policy, including capacity worksheets, website posting archives, applications, notices, lottery and waitlist records, appeal files, and reporting materials. Records shall also include the District's open enrollment system application to NDE, the rubric score received, and all related correspondence.

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- The District shall cooperate with the review process the Superintendent of Public Instruction is required to establish under NRS 388.040(3)(a) and shall submit this Policy and Regulation for that review. Any subsequent amendment to this Policy or the accompanying Regulation requires a new application to NDE before the amendment is implemented.

14. Delegation, Review, and Severability

The Superintendent shall develop and maintain administrative regulations, forms, notices, translations, and procedures to implement this Policy. The Superintendent or designee shall review this Policy and the accompanying Regulation annually against then-current statute, State Board regulation, and NDE guidance, and shall recommend amendments to the Board as needed.

If any provision of this Policy is held invalid, the remaining provisions remain in effect to the extent permitted by law.

Legal References:

NRS 386.790;
NRS 388.040;
NRS 388.041;
NRS 388.408;
NRS 388.700 to 388.725, inclusive;
NRS 388E.105;
NRS 392.4603;
NRS 392.4607;
NRS 217.462 to 217.471, inclusive;
NAC Chapter 387 and NAC Chapter 388 (LCB File No. R076-25);
Assembly Bill 533 (2025);
Senate Bill 460 (2025);
NDE Guidance Memorandum 26-14 (August 6, 2026);
20 U.S.C. §§ 1400 et seq. (IDEA);
29 U.S.C. § 794 (Section 504);
42 U.S.C. §§ 11431 et seq. (McKinney-Vento).

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